REMARKS/ARGUMENTS

Claims 1 – 5, 7 – 9, 11 – 15, 17 – 20, 22 – 28 and 30 are pending in the application for consideration.

Claims 38 and 39 remain withdrawn from consideration as being drawn to a non-elected invention pursuant to a requirement for restriction.

1.   The Examiner's Answer contains a new ground of rejection. Accordingly, applicants have been provided with a choice of exercising one of two options, i.e., reopen prosecution or maintain the appeal.

Applicants elect to reopen prosecution in the application.

2.   Claims 1 – 3, 5 – 7, 9 – 11, 12, 17 – 20, 22 – 24 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over International Patent Application Publication No. WO 01/03040 A1 ("Klear et al.") in view of U.S. Patent No. 6,553,240 B1 ("Dervarics") in view of U.S. Patent No. 5,694,484 ("Cottrell et al.").

Applicants traverse this ground of rejection. The references do not teach or suggest the subject matter of the claims within the meaning of Section 103.

The rejected claims are directed to a method and system for providing users of mobile digital devices the opportunity to obtain a permanent record of a service originating at the mobile device and not related to the location of the device. The method provides a service at a mobile device and generates, at the location of the mobile device, a permanent record of the service, the service and the permanent record being processed by at least one of many remote servers.

The method comprises the steps of (a) receiving at a receiving center, from the mobile device, a request for the service, (b) providing, from the receiving center, data for the request to a service server, the service server being one of the at least one of many remote servers, (c) processing the request for service at the service server, the processing generating the data for the service, (d) providing the data for the service to a printing server, the printing server being one of the at least one of many remote

servers, (e) processing, at the printing server, the data and other stored data to generate input data for a specific printer, (f) transmitting to the mobile device the input data, the input being rendered by the specific printer at the location of the mobile device as the permanent record of the service.

According to the method the data that will be sent to a specific printer is processed in a manner to produce the optimal quality print for the specific printer. The novel combination of elements defining the claimed method and system of the present invention not only print out a record of a service on a specific printer at the location of the mobile device but, in addition, are configured to process the data to provide an optimal quality print for the specific printer.

The method of applicants recited in claim 1 requires the step of

> (E) processing, at the printing server, said service data and stored print data for the identified specific printer to generate input data for the specific printer in a manner to produce the optimal quality print for the specific printer;

The other method claims included in this ground of rejection, namely 2, 3, 5, 7, 9, 11, 12 and 17 are dependent upon claim 1 either directly or indirectly and thus include the limitation of producing the optimal quality print for a specific printer.

The system claims include the same limitation. Independent claim 18 requires

> (E) means for processing, at the printing server, said service data and stored print data for the identified specific printer to generate input data for a the specific printer in a manner to produce the optimal quality print for the specific printer

The other system claims included in this ground of rejection, namely 19, 20, 22 – 24 and 30 are dependent upon claim 18 either directly or indirectly and thus include the same limitation.

At page 11, lines 11 – 24 of the present specification, applicants have described in detail techniques for producing an image of optimal quality at the specific printer in accordance with their invention. These techniques include image processing described and claimed in U.S. Patents 5,684,484, 6,128,415 and 6,937,365.

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Thus, it is clearly apparent that producing optimal quality print for a specific printer in accordance with the method and system of applicants involves image processing.

The Klear et al. and Dervarics references have been discussed extensively previously during prosecution.

Although the entirety of such discussions will not be repeated here for the sake of brevity, applicants continue to rely on their distinguishing remarks.

Klear et al. is primarily directed to recording service or transaction data electronically on media such as smart cards and the like and makes mention of printing a ticket or a receipt (see, for example, page 10, lines 28 – 32). However, Klear et al. does not specifically disclose or in any way suggest that the print data be processed in a manner to produce the optimal quality print for the specific printer, as is required by the claims of applicants.

The Answer acknowledges that Klear et al. does not disclose that the device is a mobile device and that the input data transmitted to the mobile device is rendered by the specific printer at the location of the mobile device. Accordingly, there is no dispute over the fact that the primary reference does not teach or suggest critical features of applicants' claimed subject matter.

The Answer further states:

> In analogous art, Devarics discloses another method to print information from the Internet which allows input data transmitted to the mobile device (i.e. WAP device 100) to be rendered by a specific printer 120 at the location of the mobile device.

However, Dervarics, like Klear et al., does not disclose or suggest critical features of applicants' claimed subject matter.

Dervarics discloses, in Fig. 1, a WAP (Wireless Application Protocol) mobile device (such as cell phone 100) that is configured WML (Wireless Markup Language) web page data and internal data such as calendar and phone book information. In Fig. 3 and beginning at column 6, line 45 and continuing onto column 7, Dervarics discloses the phone has a print facility integrated into the source code of the operating

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system software for the cell phone. The printing facility is shown in block diagram form in Fig. 3.

At column 7, starting at line 12, Dervarics states that

> A printing module 304 contains a printer buffer 304-1 and printing routines 304-2. The printing routines 304-2 are preferably part of the browser, but utilize the appropriate application programming interface (API) of the operating system software to implement the printing facility of the mobile phone.

At column 7, beginning at line 23, it is disclosed that

> ...the character width of the display 207 controlled by the display module 303 is typically much narrower than the character width of the printing facility controller by printing module 304. WML decoder 301 makes the necessary conversions and wrap-arounds so that the decoded WML data displayed on display 207 can be suitably printed.

It is clear that Dervarics discloses the use of software, within the cell phone, to convert the narrowly formatted WML data for the display to a wider width that is compatible with an identified local printer at the location of the cell phone.

However, Dervarics, like Klear et al., does not disclose, teach or suggest the methods and systems set forth in the present claims wherein information identifying a specific local printer is sent to the remote servers at the service provider via the mobile device; a remote printing server has stored print data for optimizing the quality of print printed on a specific printer; and the printing server processes service data and stored print data for the identified specific printer in a manner to produce the optimal quality print for the specific printer. To the contrary, Dervarics focuses on WAP capable mobile devices and at column 3, starting at line 45 states

> The WAP device 100 differs from the personal computer with internet browser 139 in that it generally has a less powerful CPU, less memory, restricted power consumption, smaller displays and more limited network devices.

Because Dervarics performs print data processing locally in the limited resource cell phone it is clear that the phone does not have the capacity to do the type of print optimization process taught by applicants in the present application. Dervarics

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does not disclose, teach or suggest the concept of doing computer intensive print optimization processing on high capacity remote servers operated by the service provider.

The Answer acknowledges that Dervarics, in combination with Klear et al., does not teach or suggest critical features of applicants' claimed subject matter. The Answer, at page 1 states

> Klear in view of Devarics does not specifically disclose receiving information identifying a specific printer on which to print the permanent record, and the printing server including stored print data for optimizing the quality of prints printed on various specific printers.

Accordingly, there is no dispute over the fact that the combined disclosures of Klear et al. and Dervarics do not teach or suggest critical features of applicants' claimed subject matter.

The newly cited reference, Cottrell et al, is relied upon to provide the disclosure missing from the other references. The examiner has concluded that it would have been obvious to one of ordinary skill in the art to combine the teaching of Cottrell et al. with Klear et al. and Dervarics to provide an optimal print quality for a plurality of downstream devices without having to guess at how much to adjust the image to achieve an optimal image output by the rendering device.

Cottrell et al., which is cited in applicants' specification as a technique for generating optimal quality according to the invention, discloses an image processing system that automatically optimizes the perceptual quality of images undergoing a series of selected image processing operations.

The examiner has, in essence, taken one aspect of Cottrell et al., out of the context of the overall teaching of the reference in order to support the rejection. The reference discloses a system which includes a set of image-processing operations and involves, among other features, the generation of psychovisually optimized image data. It is in this context that Cottrell et al. teaches the optimization of images.

The rejection relies upon taking from each reference only a part of the disclosure out of the entirety thereof in order to support the rejection. Such hindsight

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reconstruction of the prior art is not permissible within the meaning of Section 103. Here, those skilled in the art would find no incentive in the teachings of the references to modify their teaching to arrive at applicants' claimed subject matter.

Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

3.   Claims 1 – 3, 5 – 7, 9, 11, 12, 17 – 20, 22 – 24 and 30 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Klear et al. in view of Dervarics in view of United States Patent Application Publication No. US 2002/0065873 ("Ishizuka").

This ground of rejection was made previously during prosecution and applicants continue to rely on their distinguishing remarks.

Further, it would appear that the remarks made in the Appeal Brief with respect to Ishizuka have been misinterpreted. The reference, at page 15 of the Appeal Brief, to page 11, lines 11 – 24 of the present specification was not intended to imply that such limitations should be read into the claims. The claims specifically recite producing an optimal quality print for a specific printer. The reference to the specification was intended to state simply that applicants have described in detail techniques for producing an image of optimal quality at a specific printer and that the term "optimal quality" must be interpreted to mean more than mere formatting.

As pointed out previously in prosecution, Ishizuka, at best, teaches only the use of a printer driver to format print data for a specific printer. Ishizuka, like Klear et al. and Dervarics is completely silent with respect to the critical feature of producing optimal quality prints for a specific printer in accordance with the method and system of applicants. Producing such optimal quality prints, as recited in the claims, involves image processing and not merely formatting print data for a specific printer as is accomplished by a printer driver.

Reconsideration of this ground of rejection and withdrawal thereof are respectfully requested.

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4.   Claims 4, 8, 13 – 15 and 25 – 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Klear et al. in view of Dervarics in view of Cottrell et al. and further in view of U.S. Patent No. 6,725,051 B2 ("Fidler").

Applicants traverse this ground of rejection. Klear et al., Dervarics and Cottrell et al. have been discussed above. Fidler does not provide the shortcomings of the other references.

Fidler relates to a method for obtaining location data for use by a peripheral device including the steps of communication with a second device via a wireless protocol and querying the second device for location data.

Claims 4, 8 and 13 – 15 are dependent upon claim 2, directly or indirectly. Claims 25 – 28 are dependent upon claim 24.

These claims are patentably distinguishable over the references for the same reasons discussed above with respect to Klear et al., Dervarics and Cottrell et al. and further because Fidler does not teach or suggest critical features of applicants' claimed subject matter including producing the optimal quality print for a specific printer in accordance with the invention of applicants.

The embodiment of applicants' invention recited in these claims extends the capability of their method and system to encompass location based services. Such location based services require the selected service provider to obtain the geographic location of the mobile device carried by a user. Once located the service provider can provide local information such as the names, locations and menus for restaurants close to the user or the location of movie theaters in the vicinity of the user.

This group of claims has, in addition to the optimal quality print limitation, a commonality in that they include limitations that are directed to the location-based service aspects of the invention.

Fidler is directed to a method for obtaining location data for use by a peripheral device. As set forth at column 2 beginning at line 50, the method is described as including the steps of communicating with a second device via a wireless protocol and querying the second device for location data. To one having ordinary

skill in the art, Fidler would appear to be, at best, a diagnostic tool for a network administrator.

In contrast, these embodiments of the invention of applicants are directed to an interactive service in which a user requests a location based service (nearby restaurants etc.) from a service provider which needs the location of the mobile device to provide the user with appropriate location based service.

The method of Fidler does not teach or even remotely suggest providing the interactive dialog between a user and service provider to obtain a location based service for the user and also to allow the user to make an optimal quality printed record of the service at the location of the mobile device.

Applicants' remarks in the Appeal Brief with respect to Fidler appear to have been misconstrued. Such remarks were not intended to state that the language "interactive dialog between a user and service provider ..." were to be read into the claims. These remarks rather were intended to reflect the manner in which the claimed subject matter can be practiced.

For all the foregoing reasons, the combination of Klear et al., Dervarics, Cottrell et al. and Fidler does not support the rejection of claims 4, 13 – 15 and 25 – 28 under 35 U.S.C. § 103(a).

5.   Claims 4, 8, 13 – 15 and 25 – 28 have been rejected under 35 U.S.C. § 103(a) as being unpatentable over Klear et al., in view of Dervarics in view of Ishizuka et al.. and further in view of Fidler.

Applicants traverse this ground of rejection. These claims and the references have been discussed above herein. For all the foregoing reasons, this combination of references does not support the rejection of the claims.

Reconsideration of this ground of rejection and withdrawal thereof from the application are respectfully requested.

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In summary, reconsideration of the application and allowance of claims 1 – 5,

7 – 9, 11 – 15, 17 – 20, 22 – 28 and 30 are respectfully requested.

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